IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.22822 of 2008
SANJEEV KUMAR
Versus
THE STATE OF BIHAR
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3 16.7.2008 Heard Counsel for petitioner and Counsel for the opposite party no.2 as also the Counsel for the State.

Reference may be made to the earlier order of this Court dated 16.6.2008. Pursuant thereto, the petitioner has been produced from custody. He has submitted before this Court that he is prepared to keep opposite party no.2, his wife, with all dignity and would never give any further opportunity for her to make any complain either against him or his family members. He also submits that he had never intended to divorce to his wife and in fact such divorce case was filed by him only when she had on her own walked off from the house. He has further submitted that if now the opposite party no.2 would be prepared to live with the petitioner, he will no objection in restoring his conjugal life and in fact once the opposite party no.2 returns to the house of the petitioner, he will also withdraw the divorce case.

Counsel for the opposite party no.2 submits that on account of floods and incessant rain,

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the opposite party no.2 could not come to the Court today but she has instructed her Counsel to make a stalemate that she (opposite party no.2) is prepared to go back to the house of the petitioner and live with him.

Considering the fact that both the parties seems to have now prepared to restore the relationship with a mutual understanding that they would respect each other, this Court would direct for release of the petitioner namely Sanjeev Kumar on provisional bail in connection with Hilsa P.S. Case No. 486 of 2007 on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate at Hilsa, Nalanda, for a period of six months whereafter the petitioner would be required to appear before the Additional Chief Judicial Magistrate, Hilsa who will record the version of both the petitioner and the opposite party no.2 and in the event, he is satisfied with the conduct of the petitioner and further that the opposite party no.2 had not undergone any traumatic experience in this period of six months at the instance of the petitioner and/or her husband, he would confirm the provisional bail of the petitioner, but if for reasons to be recorded in writing by the

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Additional Chief Judicial Magistrate, he finds that the opposite party no.2 is still being tortured either physically or mentally by the petitioner, he will cancel the provisional bail of the petitioner and take him into custody.

With the aforesaid observations/directions, this application for bail is hereby disposed.

Rsh **(Mihir Kumar Jha, J.)**

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